

IV. REMARKS

In the Office Action, correction was required in the Abstract and in the specification, the required corrections being made by this response. Objection was made to various ones of the claims, these objections being overcome in this response by adoption of the suggestions of the Examiner.

Claims 1-8 were rejected under 35 U.S.C. 112 as being indefinite for reasons set forth in the Office Action. The claims have been amended to overcome these grounds of rejection. Claims 1-8 were rejected further under 35 U.S.C. 103 as being unpatentable over the teachings of Muller (US 6,438,375; the Action appears to have a typographical error in the patent number) in view of Kim (US 2001/0005681) and Mouldsley (US 6,407,993) for reasons set forth in the Office Action.

The following argument is presented to overcome the rejections under 35 U.S.C. 103 so as to obtain allowable subject matter in the claims.

On page 9 of the Action, the Examiner admits that the teachings of Muller, Kim and Mouldsley fail to explicitly disclose a feature of the present invention, namely: characterized in that said predefined relation is that the transmission level of at least the training sequence part of a burst carrying paging indicators is essentially the same as the transmission level of the training sequence part of a burst belonging to said channel. The passage cited by the Examiner appears in claim 3 for describing the term "predefined relation" of claim 1, and appears also in claim 8 for describing the term "predefined relation" appearing in independent claim 6. Reference to this feature is made also in each of independent claims 4 and 5 by

language indicating the measuring of the reception level of the training sequence. This feature is described in the present specification on page 4 at lines 22-28, on page 5 at lines 19-37, on page 6 at lines 7-13 and 29-35, on page 7 at lines 34-38, and on page 8 at lines 13-17 and 27-32. Therefore, this feature is an important part of the invention, and the Examiner is requested respectfully to show an explicit teaching of the feature in the prior art to substantiate a rejection of the claims.

However, the Examiner has not found an explicit teaching of the feature in the prior art. Instead, the Examiner appears to employ the art to show that the technology exists for building such a feature into a communication system. It is urged respectfully that this reasoning does not show a motivation to practice this feature in the present invention, and does not provide a description or suggestion of the feature that would substantiate a rejection under 35 U.S.C. 103. Since all of the independent claims make reference to this feature, all of the claims are believed to have allowable subject matter.

The following additional argument is noted.

Muller may be describing a mobile communication network function as such, and his teaching does not appear to be directed to the present invention. The embodiments of the present invention relate to the connection/relation of the transmission level of the midamble of a PICH burst to a level according to a predefined relation to the transmission level of PCCPCH burst (as indicated in the present specification, especially on page 4 lines 7-12).

The relationship of Muller to paging is only in a general way. Therefore, the teaching of Muller appears to belong to the state of the known art, but does not present a connection between the transmission level and PICH burst or other paging related signal level such as is in present claim 1. The Examiner (middle of page 5 of the Action) makes reference to Muller at col 4. lines 50-62 in the matter of the signal level measurements. But Muller does not disclose the basic subject matter of claim 1.

A skilled man in the art, continuing with the reading Muller further up to col. 5 line 13, would be convinced that Muller does not actually describe nor suggest the present invention as claimed. There does not appear in Muller any indication of any connection or relation that would describe the above-discussed feature of the predefined relation.

In the characterizing part of claim 1 it is said that "...the transmission level of at least the training sequence part of burst carrying paging indicators has a predefined relation to the transmission level of the training sequence part of a burst belonging to a channel which is used in measurements of radio link quality."

The cited art fails to describe the subject matter of the invention as set forth in claim 1, particularly with reference to the subject matter described in the present specification at page 4, lines 8-12.

Training sequence as such may be known in a mobile network, so that the base station and the mobile station can communicate. In addition, it may be also known that measurements in a mobile station network are performed, as such, in a known way in a

mobile network for communication purposes. However, in the claimed embodiments of the invention, there are new features which make the present invention new and inventive and over the teachings of the cited references considered individually or in combination.

The conclusion of Examiner concerning the combination of Mouldsley in combination with Muller is questioned. It is believed that the referenced teaching of Mouldsley (Col 3 at lines 53-57), dealing with a training sequence as such, does not appear to concern the relation according to claim 1. Therefore, there is no motivation to combine the teachings of the cited references, which individually may not be relevant to the present invention.

Kim appears to describe techniques that can be used to control the paging alert tone, an audible sound produced by the mobile station when paged, whereas the present invention relates to transmission/reception of the paging signal in electromagnetic form, and selecting a sufficiently strong base station to have the paging correctly when needed. It appears that Kim does not have relevancy with respect to the claimed subject matter of paging indicators having a predefined relation to the transmission level of the training sequence. So Kim thus teaches different techniques than in the claimed embodiments of the present invention.

Accordingly, it appears that there is no motivation to combine the teachings of the cited references, and their teachings would not lead one to practice the present invention. Therefore, this argument is believed to overcome the rejections under 35 U.S.C. 103 to secure allowable claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$430.00 is enclosed for a 2 month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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